

SENATE BILL REPORT

HB 1927

As Reported by Senate Committee On:
Labor, Commerce & Tribal Affairs, February 17, 2022

Title: An act relating to encouraging citizens to serve in the legislature by creating leave provisions for legislative service.

Brief Description: Creating leave provisions for legislative service.

Sponsors: Representatives Riccelli, Sullivan, Santos, Simmons, Ramel, Ormsby and Fey.

Brief History: Passed House: 2/8/22, 80-16.

Committee Activity: Labor, Commerce & Tribal Affairs: 2/16/22, 2/17/22 [DP, DNP, w/oRec].

Brief Summary of Bill

- Provides a protected leave of absence from public employment for members of the Legislature.

SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

Minority Report: Do not pass.

Signed by Senator Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senator Braun.

Staff: Susan Jones (786-7404)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Legislative Service. The Washington Constitution provides for the Legislature to be convened each year only for a limited number of days, unless a special session is convened. A regular session of the legislature is convened each year, during each odd-numbered year for not more than 105 consecutive days and during each even-numbered year for not more than 60 consecutive days. Special legislative sessions may be convened for a period of not more than thirty consecutive days by proclamation of the Governor or by resolution of the Legislature upon the affirmative vote in each chamber of two-thirds of the members elected or appointed.

The state Legislature is commonly referred to as a type of citizen legislature, where legislators may maintain outside employment while in office.

Protected Employment. State and federal laws provide for leave from employment for limited purposes, such as for family or medical leave. Leave for other purposes is provided for specific types of employees, including volunteer firefighters, spouses of deployed military personnel, and domestic violence victims. When certain criteria are met, an employer generally may not discharge or take other adverse employment action against an employee for taking leave.

Some specific types of government employees may perform outside employment or service with employment protections, such as members of the military and emergency management service providers. Civil service employees of the state or of local governments may serve in elected office while retaining civil service status, including seniority, rank, and retirement status, when elected or appointed to an elective office, so long as they continue to make the usual contribution for such benefits.

Summary of Bill: A state or local government employer must grant a temporary leave of absence, without loss of job status or seniority, to an employee who is a member of the state Legislature to perform any official duty as a member of the Legislature during regular and special legislative sessions. The leave of absence may be unpaid leave or an employee may elect to substitute any accrued paid leave. An employer is prohibited from discharging or threatening to discharge an employee for taking the leave.

An employee who seeks this leave must provide the employer with notice of the employee's intention to take leave:

- at least 30 days before a regular legislative session; and
- as soon as the Governor or the Legislature proclaims a special legislative session.

An employee may only bring a civil action for violations, at the employee's expense, in superior court for an order requiring the reinstatement of the employee. Public resources may not be used, directly or indirectly, to bring or maintain a civil action

Employer means the state, state institutions, and state agencies; and any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-

municipal corporation, or political subdivision.

Legislative intent is provided.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We are a citizen legislature and we are better when we have a diverse make up of members. This bill tries to remove any potential barriers for people to serve, particularly in public service like firefighters, law enforcement, and teachers. The bill helps us be a robust citizen legislature.

Persons Testifying: PRO: Representative Marcus Riccelli, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.